

Ethiopia's Tigray Crisis: A Troubled Federation

Yonatan Fessha

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Three weeks ago, the federal government of Ethiopia launched a military offensive against the government of the state of Tigray. Intergovernmental tensions had escalated after the National Electoral Board announced that due to Covid-19 elections scheduled for 29 August 2020 could not take place as scheduled before the term of the current administration expires in October 2020. Without a clear answer in the constitution regarding the fate of an incumbent whose term ends before an election, a simmering power struggle between different political groups has erupted. Thousands of people have already died or fled the violent conflict, yet the federal and state governments refuse to engage in meaningful dialogue.

Finding oneself glued to the radio once again

I grew up in Ethiopia during the days of the military government. During those days, it was common to hear state media reporting on towns controlled by the national army that were locked in a protracted war against rebel movements in the north. Reports of towns being captured or recaptured from rebel forces and a lineup of prisoners of war used to make daily headlines. You would hear a different story if you had the courage to tune in the legally banned radio stations of the rebel forces or one of the radios stations that broadcasted from overseas. I remember my father making sure that the door and windows of our house were closed before he tuned in the Voice of America (VOA) Amharic service. Thirty years later, Ethiopians have found themselves again glued to radio and television not to miss the news about advancing and retreating armed forces.

It has now been more than three weeks since the federal government launched a military offensive against the government of the state of Tigray. The federal government points to the decision of the Tigray government to attack the Northern Command of the Ethiopian National Defense Forces (ENDF) that were stationed in the capital of the state government as the reason behind its military action. The state government does not seem to deny this brazen attack on the national defense forces but presents it as a preemptive or anticipatory self-defense to the military buildup that was reportedly going on around the state. It claims it appeared unavoidable that the federal military would attack Tigray and unseat the state government. Thousands are believed to have already died from the war. More than 40,000 have been displaced from their homes with many forced to cross to neighboring Sudan. Reports of massive human rights violations and atrocities are emerging.

Beating the drums of war for two years

Some might think that Ethiopia has suddenly found itself in the middle of an armed conflict. That would not be accurate. It started five years ago when the government faced increasing public unrest across the country after being in power for almost 27 years. The protests eventually led to a political realignment within the Ethiopian Peoples Revolutionary Democratic Front (EPRDF), the ruling party, which is a coalition of four ethnic based parties. It led to the displacement of the Tigray People Liberation Front (TPLF) as the dominant member of the coalition, the emergence of the Oromo People's Democratic Organization (since renamed the Oromo Democratic Party (ODP)) as a major player in the coalition and the election of its leader, Abiy Ahmed, to the office of the Prime Minister. Initially the political configurations seemed to have taken place smoothly. But it did not take long before the cracks within the ruling party started to emerge. The TPLF, whose leaders retreated to their stronghold state of Tigray, complained of ethnic marginalization and economic sabotage.

Elections and COVID-19

Things came to a head when the National Electoral Board announced on 31 March 2020 that, due to COVID-19, [it would not be able hold national elections](#) as scheduled on 29 August 2020 before the term of the current administration expires in October 2020. This gave rise to a constitutional conundrum. The Constitution, it appears, has no definitive answer regarding the fate of an incumbent whose term comes to an end before an election is held in the country. The national parliament sought advice from the House of Federation, the second chamber of the Ethiopian federal parliament that is known for its unusual power of interpreting the constitution. In June 2020, the House of Federation ruled to [extend the term of the office of the incumbent administration](#) until the next elections are held.

Not everyone supported the decision of the government to seek guidance from the House of Federation and the decision that was rendered by the House. The State government of Tigray and a number of other opposition parties deemed the move as an illegitimate control of power. They called for a national dialogue that should lead to the establishment of a transitional government. Tigray took its opposition further by establishing its own electoral board and [holding an election](#) on 9 September 2020 despite the threat by the House of Federation that the elections would be declared [null and void](#). But the state government did not stop at that. After holding an election that did not bring about any change in the composition of the state government, it immediately moved to further provoke the federal government by declaring the latter illegitimate and pulling out members of the federal parliament that hailed from Tigray.

The legitimacy of Tigray's actions

The decisions of the state government were constitutionally problematic. It labeled the federal government as illegitimate although the bodies that have the ultimate

power to interpret the constitution have allowed the federal government to stay in power until the next elections are held. Some aspects of that decision of the House are arguably problematic. Perhaps the most problematic aspect of the decision that has amplified the intergovernmental tension and narrowed the room for negotiation, was its decision to extend the term of office of state councils and executives.

Unlike other federal constitutions, the Ethiopian constitution does not say much about the organization and functioning of state governments. That is left to state constitutions. This suggests that any decision regarding state governments and state parliaments must be done primarily based on state constitutions. Yet, irrespective of the merits of the decision, those are the final words of the body that is given the power to interpret the constitution and must be respected as such. After all, even if a state government has the right to hold state and local elections, the constitution envisages a single national body that administers elections whose views about the difficulty of holding election during the times of COVID-19 was endorsed by the decision of the House of Federation.

The power of the purse

On 7 October 2020, the intergovernmental tension was further exacerbated when the House of Federation decided to [suspend the transfer of funds to Tigray state government](#) and work directly with local governments in Tigray, bypassing the state government. Tigray reacted by making public its intention to withhold all federal taxes collected in the state. Both are constitutionally suspect measures. Given the Ethiopian federal framework that makes local government the responsibility of state governments, one cannot see how the federal government can work with local governments directly. That is even assuming that there is a desire on the part of the local governments in Tigray to ignore the state government and interact directly with the federal government. The decision of the House added a financial dimension to the already strained intergovernmental relations.

In hindsight, one would have hoped to see the full implementation of using the power of the purse to resolve the tension. After all, this option would not have been as bad as the option that involves the use of military force to settle intergovernmental disputes.

Federal intervention in the State of Tigray

At the beginning of November, the federal government invoked its constitutional power of federal intervention and [launched a military offensive](#) against the government of the State of Tigray. The Constitution allows the federal government to intervene in state governments, ranging from giving directives on matters that are normally left to state government, to removing a state government and overtaking its responsibilities.

Although a constitutionally valid option and seemingly unavoidable once Tigray had attacked the Northern Command, it is a politically unwise move that is fraught

with disastrous consequences, both for the country and the wellbeing of its people. A federal intervention in Ethiopia is not like a federal intervention you might see in other federal countries. The federal government would not be intervening in states where the security force is limited to a regular police force. Some of the state governments command a heavily armed force in the form of a special police force. The state of Tigray is reported to have [250,000 strong](#) well-armed militia and special force. A federal intervention in this context unavoidably becomes an armed conflict, if not a civil war. That is why the claim of the current administration that it is pursuing a law enforcement operation falls flat in the face of reports of the rocket missiles and air bombardments dominating the news about the conflict.

Intergovernmental dialogue

The actions and reactions of both governments reveal the limits of the law and violence to dampen intergovernmental tensions. What is striking (and tragically so) is that there has not been a single report of both governments sitting behind closed doors and engaging in intergovernmental dialogue. This is despite a number of attempts [by a group of elders](#). Instead, matters that should be resolved through intergovernmental negotiations and behind closed doors were allowed to fester through demonstrations, press releases and wars of words that only served to deepen the rift among communities. To be exact, the state government of Tigray has expressed its willingness to engage in a dialogue. At the same time, it was not interested in a bilateral dialogue that aimed at resolving the conflict between the two governments. It insisted that the dialogue should include all opposition parties and other stakeholders. It was expected that the Abiy could only see this as a call to gang up against his administration and oust him from office, making the demand a non-starter.

What was and is still needed is a negotiation that aim at de-escalating the conflict between the two governments. The rest can wait for another day. The federal government has rejected efforts by international powers to halt the deadly fighting as interference in internal matters, an odd argument coming from a Prime Minister that had been quick to play peacemaker in neighboring countries. The country cannot afford the continuation of the conflict that has already cost thousands of lives, created enabling environment for massive human rights violations, further deepened communal divisions and made the continued existence of the country more precarious than ever. Negotiation should not imply impunity but give de-escalation a chance lest we should witness another [Mai-Kadra massacre](#).

